

**ASSIGNMENT OF PATENT APPLICATION**

**JOINT**

WHEREAS, Donald A. Phillips, of 1120 Cornell Drive, Davis, CA 95616; Cecillia M. Joseph, of 1408 Locust Place, Davis, CA 95616; James R. Sanborn, of 46 Yuba River Circle, Sacramento, CA 95831; Guo-Ping Yang, of 1615 East Eighth Street Davis, California 95616, hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below-identified application for United States Letters Patent:

**Title of Invention:** Novel Enhancers of Plant Growth

**Date(s) of execution of Declaration:**

**Filing Date:** November 17, 1999 (International filing date for  
PCT/US99/27318)

**Application No.:** 09/831,958

WHEREAS, The Regents of the University of California, a University of the state of California, located at Office of Technology Transfer, 1111 Franklin Street, 5th Floor, Oakland, CA, 94607-5200, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that they will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including patent applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

Assignors hereby authorize and request Townsend and Townsend and Crew LLP, Two Embarcadero Center, 8<sup>th</sup> Floor, San Francisco, CA 94111-3834, to insert herein above the application number and filing date of said application when known.

Assignment  
Attorney Docket No.: 02307Z-090130US  
Page 2

IN TESTIMONY WHEREOF, Assignor has signed his/her name on the date indicated.

Dated: October 2, 2001

Donald A. Phillips  
Donald A. Phillips

SIGNATURE WITNESSED BY:

(1) Date: 10-2-01

Maria Y. Lee  
Signature of Witness 1

(2) Date: 10-2-01

Robbie Rizzo  
Signature of Witness 2

IN TESTIMONY WHEREOF, Assignor has signed his/her name on the date indicated.

Dated: 10-3-01

Cecilia M. Joseph  
Cecilia M. Joseph

SIGNATURE WITNESSED BY:

(1) Date: 10-3-01

Rehut Bhayy  
Signature of Witness 1

(2) Date: 10-3-01

Maryann D. Cis  
Signature of Witness 2

Assignment  
Attorney Docket No.: 02307Z-090130US  
Page 3

IN TESTIMONY WHEREOF, Assignor has signed his/her name on the date indicated.

Dated: October 10, 01

James R. Sanborn  
James R. Sanborn

SIGNATURE WITNESSED BY:

(1) Date: October 10, 2001

Michael J. Harder  
Signature of Witness 1

(2) Date: October 10, 2001

Ethel C. Sanborn  
Signature of Witness 2

IN TESTIMONY WHEREOF, Assignor has signed his/her name on the date indicated.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Guo-Ping Yang

SIGNATURE WITNESSED BY:

(1) Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Witness 1

(2) Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Witness 2

Assignment  
Attorney Docket No.: 02307Z-090130US  
Page 3

IN TESTIMONY WHEREOF, Assignor has signed his/her name on the date indicated.

Dated: \_\_\_\_\_

James R. Sanborn

SIGNATURE WITNESSED BY:

(1) Date: \_\_\_\_\_

Signature of Witness 1

(2) Date: \_\_\_\_\_

Signature of Witness 2

IN TESTIMONY WHEREOF, Assignor has signed his/her name on the date indicated.

Dated: Oct. 11, 2001



GuoPing Yang

SIGNATURE WITNESSED BY:

(1) Date: Oct 11/01

  
Signature of Witness 1

(2) Date: Oct 11/01

  
Signature of Witness 2

**DECLARATION FOR UTILITY OR  
DESIGN  
PATENT APPLICATION  
(37 CFR 1.63)**

Declaration  
Submitted  
With Initial  
Filing

Declaration  
Submitted after Initial  
Filing (surcharge  
(37 CFR 1.16(e))  
required)

OR

Attorney Docket Number 02307Z-09013

First Named Inventor Phillips

**COMPLETE IF KNOWN**

Application Number 09/831,958

Filing Date 11/17/1999

Group Art Unit unassigned

Examiner Name unassigned

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

NOVEL ENHANCERS OF PLANT GROWTH

N

the specification of which

(Title of the Invention)

 is attached hereto

OR

 was filed on (MM/DD/YYYY)

11/17/1999

as United States Application Number or PCT International

Application Number 09/831,958 and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
PCT/US99/27318	EPO	11/17/1999	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

 Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 21 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Please type a plus sign (+) inside this box → 

PTO/SB/01 (03-01)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

## DECLARATION — Utility or Design Patent Application

Direct all correspondence to:  Customer Number or Bar Code Label  OR  Correspondence address below

Name

Address

City

State

ZIP

Country

Telephone

Fax

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR:

 A petition has been filed for this unsigned inventor

Donald A.

Given Name  
(first and middle [if any])

Phillips

Family Name  
or SurnameInventor's  
Signature10-2-01  
DateDavis  
Residence: CityCalifornia  
StateUnited States of  
America  
CountryUnited States of America  
Citizenship

1120 Cornell Drive

Mailing Address

Davis  
CityCalifornia  
State95616  
ZIPUnited States of America  
COUNTRY

NAME OF SECOND INVENTOR:

 A petition has been filed for this unsigned inventor

Cecilia M.

Given Name  
(first and middle [if any])

Joseph

Family Name  
or SurnameInventor's  
Signature10/3/01  
DateDavis  
Residence: CityCalifornia  
StateUnited States of  
America  
CountryUnited States of America  
Citizenship1408 Locust Place  
Mailing AddressDavis  
CityCalifornia  
State95616  
ZIPUnited States of America  
COUNTRY Additional Inventors are being named on the \_\_\_\_\_ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.

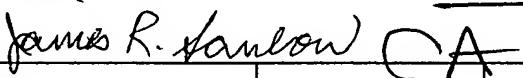
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## DECLARATION

ADDITIONAL INVENTOR(S)  
Supplemental Sheet  
Page 1 of 1

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle [if any])		Family Name or Surname		
James R.		Sanborn		
Inventor's Signature	 CA		Date 10/10/01	
Residence: City	Sacramento	State	California	United States of America
Country		Citizenship	United States of America	
Mailing Address	46 Yuba River Circle			
Mailing Address				
City Sacramento	State	California	ZIP 95831	Country United States of America
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle [if any])		Family Name or Surname		
Guo-Ping		Yang		
Inventor's Signature				Date
Residence: City	Davis	State	California	United States of America
Country		Citizenship	China	
Mailing Address	1615 East Eighth, Apartment #14			
Mailing Address				
City Davis	State	California	ZIP 95616	Country United States of America
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle [if any])		Family Name or Surname		
Inventor's Signature				Date
Residence: City	State	Country	Citizenship	
Mailing Address				
Mailing Address				
City	State	ZIP	Country	

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SF 1270727 v1

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## DECLARATION

ADDITIONAL INVENTOR(S)  
Supplemental Sheet  
Page 1 of 1

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle [if any])		Family Name or Surname		
James R.		Sanborn		
Inventor's Signature		Date		
Residence: City	Sacramento	State	California	United States of America
		Country	Citizenship	
Mailing Address		46 Yuba River Circle		
Mailing Address				
City Sacramento	State	California	ZIP	95831
		Country	United States of America	
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle [if any])		Family Name or Surname		
Guo-Ping		Yang		
Inventor's Signature	<i>G. P. Yang</i>		Date <i>Oct. 11, 2001</i>	
Residence: City	Davis	State	California	United States of America
		Country	Citizenship	
Mailing Address		1615 East Eighth, Apartment #14		
Mailing Address				
City Davis	State	California	ZIP	95616
		Country	United States of America	
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle [if any])		Family Name or Surname		
Inventor's Signature			Date	
Residence: City	State	Country	Citizenship	
Mailing Address				
Mailing Address				
City	State	ZIP	Country	

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

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Assistant Commissioner for Patents, EL 827034557 US  
Washington, D.C. 20231

on 10/15/01

TOWNSEND and TOWNSEND and CREW LLP

By Alfredrick

PATENT  
Attorney Docket No.: 02307Z-09013  
UC Case No. 99-013-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Phillips, *et al.*

Serial No.: 09/831,958

Filed: November 17, 1999 (International filing  
date for PCT/US99/27318)

For: NOVEL ENHANCERS OF PLANT  
GROWTH

**POWER OF ATTORNEY BY ASSIGNEE**  
**AND EXCLUSION OF INVENTOR(S) UNDER 37 CFR § 3.71**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The undersigned assignee of the entire interest in the above-identified subject application hereby appoints Kevin L. Bastian, Reg. No. 34,774; Matthew E. Hinsch, Reg. No. 47,651; M. Henry Heines, Reg. No. 28,219; Laurence J. Hyman, Reg. No. 35,551; Jean M. Lockyer, Reg. No. 44,879; Jeffry S. Mann, Reg. No. 42,837; Annette S. Parent, Reg. No. 42,058; William M. Smith, Reg. No. 30,223; Joseph R. Snyder, Reg. No. 39,381; Eugenia Garrett-Wackowski, Reg. No. 37,330; Ellen Lauver Weber, Reg. No. 32,762; Kenneth A. Weber, Reg.

No. 31,677; all of the firm of Townsend and Townsend and Crew LLP, as its attorneys to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorney(s) in accordance with 37 CFR § 3.71.

An assignment of the entire interest in the above-identified subject application:

was recorded on \_\_\_\_\_ at reel/frame  
\_\_\_\_\_/\_\_\_\_\_.  
 is being concurrently submitted under separate cover to Attn: Box

Assignments for recording, a copy not for recordation is enclosed.

Please direct all telephone calls to Matthew E. Hinsch and all correspondence relative to said application to the following address:

Townsend and Townsend and Crew LLP  
Two Embarcadero Center, 8th Floor  
San Francisco, California 94111-3834

ASSIGNEE:

THE REGENTS OF THE  
UNIVERSITY OF CALIFORNIA

Signature: \_\_\_\_\_  
Typed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

*Linda Stevenson*  
\_\_\_\_\_  
Linda Stevenson  
\_\_\_\_\_  
Prosecution Manager  
\_\_\_\_\_  
Office of Technology Transfer  
1111 Franklin Street, 12th Floor  
Oakland, CA 94607-5200

Dated: October 2, 2001